

Message Text

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ORIGIN EB-07

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R 252124Z FEB 76
FM SECSTATE WASHDC
TO AMEMBASSY SINGAPORE

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E.O. 11652: N/A

TAGS: ETRD, SN

SUBJECT: PIRACY OF U.S. SOUND RECORDINGS

REF: SINGAPORE 620

SUMMARY: DEPARTMENT (EB/CSB/BP) CALLED IN ECONOMIC
COUNSELLOR OF SINGAPORE EMBASSY YOONG TO DISCUSS THE
PIRACY PROBLEM. YOONG AGREED TO RAISE THE MATTER WITH HIS
GOVERNMENT.

1. DEPARTMENT CALLED IN ECONOMIC COUNSELLOR YOONG JUN FAH
THE AFTERNOON OF FEBRUARY 23. THE FOLLOWING TALKING POINTS
WERE RAISED WITH HIM.

-- A) THE PROBLEM OF PIRACY OF COPYRIGHTED SOUND RECORD-
INGS IN SINGAPORE IS LONG-STANDING AND OF GREAT CONCERN TO
AFFECTED US INDUSTRIES. VIRTUALLY ALL THE MAJOR AMERICAN
RECORDING COMPANIES HAVE BEEN AFFECTED, AND THE PROBLEM
HAS PERSISTED FOR YEARS. INDEED, OUR EMBASSY RAISED IT
WITH GOVERNMENT OF SINGAPORE OFFICIALS THREE YEARS AGO. IT
HAS AGAIN BEEN BROUGHT TO OUR ATTENTION BY CONCERNED
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OFFICIALS IN OUR RECORDING INDUSTRY.

-- B) IN 1973, THE UNITED STATES POINTED OUT THIS PROBLEM AND URGED THE SINGAPORE GOVERNMENT TO JOIN THE PHONOGRAM CONVENTION WHICH PROVIDES MULTILATERAL PROTECTION FOR SUCH WORKS. SINGAPORE DECLINED TO JOIN THE PHONOGRAM CONVENTION QUOTE ... BECAUSE SINGAPORE HAS ITS OWN COPYRIGHT ACT FOR GRAMAPHONE RECORDS, ETC., AND INFRINGEMENT ON SUCH MUSICAL WORKS CAN AND HAS BEEN DEALT WITH UNDER THE ACT. UNQUOTE.

-- C) THE SINGAPORE ACT (GRAMAPHONE RECORDS AND GOVERNMENT BROADCASTING ACT OF 1968) COULD BE EFFECTIVE, BUT THE LAW HAS NOT BEEN ENFORCED FOR SOME TIME. IN THE PAST, SEVERAL ARRESTS AND CONVICTIONS TOOK PLACE UNDER THE LAW, AND THIS ACTION EASED THE PROBLEM. RECENTLY, HOWEVER, THESE ILLEGAL ACTIVITIES HAVE BEEN RESUMED WITH VIGOR.

-- D) WE ARE INFORMED THAT THE 1968 LEGISLATION PROVIDES FOR A POLICE OFFICER TO ARREST PERSONS POSSESSING PIRATED RECORDINGS IF THE WORKS CONCERNED HAVE BEEN REGISTERED WITH THE REGISTRAR OF IMPORTS AND EXPORTS. THIS REGISTRATION PROCEDURE WAS CARRIED OUT ON BEHALF OF AMERICAN COMPANIES, BUT WE ARE NOT AWARE THAT ARRESTS HAVE RECENTLY TAKEN PLACE.

-- E) NOT ONLY IS THE PIRATING OF SOUND RECORDINGS OPENLY AND BLATANTLY CONTINUING, BUT REPORTEDLY THE PIRATED TAPES ARE ALSO EXPORTED. THE U.S. EMBASSY CONFIRMS THAT PIRATED TAPES APPEAR OPENLY IN SINGAPORE SHOPS AND REPORTEDLY ARE EXPORTED TO THE MIDDLE EAST, AFRICA, EUROPE, AND AUSTRALIA.

-- F) THE UNITED STATES IS CONCERNED ABOUT THIS PIRACY, WHICH RESULTS IN SERIOUS LOSS OF INCOME TO THE LAWFUL PROPERTY OWNERS. TAPE PIRACY IS AN ANOMALY IN CONTEXT OF THE OVERALL FAVORABLE ECONOMIC RELATIONS BETWEEN OUR TWO COUNTRIES. THE U.S. HAS MADE EFFORTS TO BE RESPONSIVE TO PARTICULAR ECONOMIC PROBLEMS OF SINGAPORE AND WOULD HOPE FOR EQUAL RESPONSIVENESS FROM SINGAPORE.
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PORE ON MATTERS INVOLVING U.S. ECONOMIC INTERESTS. WE THEREFORE ASK THAT THE GOS LOOK INTO THE MATTER, WITH A VIEW TOWARDS THE VIGOROUS ENFORCEMENT OF ITS 1968 LEGISLATION.

2. WHEN YOONG RAISED QUESTION WHETHER U.S. COMPANIES HAD TAKEN LEGAL ACTION, DEPARTMENT OFFICIAL REPLIED THAT THE ONLY EFFECTIVE REMEDY WAS IN VIGOROUS POLICE ENFORCE-

MENT OF THE 1968 LAW SUCH AS HAD TAKEN PLACE IN 1968-69.
LEGAL ACTION WAS EXPENSIVE AND GENERALLY INEFFECTIVE
BECAUSE THE PIRATE WOULD MERELY CLOSE OPERATION IN ONE
LOCALE AND REOPEN IN ANOTHER. YOONG WAS ALSO PROVIDED

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WITH A COPY OF THE CONVENTION FOR THE PROTECTION OF PRO-
DUCERS OF PHONOGRAMS. WE RELATED TO HIM SINGAPORE'S
RATIONALE FOR NOT JOINING THE CONVENTION.

3. MR. YOONG INDICATED THAT HE PLANNED TO COMMUNICATE THE
SUBSTANCE OF THIS GOVERNMENT'S CONCERN ABOUT THE PIRACY OF
U.S. SOUND RECORDINGS TO HIS GOVERNMENT.

4. ACTION REQUESTED: THE EMBASSY IS REQUESTED TO RAISE
THIS MATTER AT AN APPROPRIATE LEVEL IN THE GOS ALONG THE
LINES OF THE DEPARTMENT'S PRESENTATION. PLEASE REPORT GOS
REACTION. THE DEPARTMENT APPRECIATES THE EMBASSY'S REPORT-
ING AND SUGGESTIONS IN REFTEL. WE TEND TO THINK THAT THE
PROBLEM WILL NOT BE QUICKLY RESOLVED, AND THEREFORE
BELIEVE THAT A DIPLOMATIC NOTE SHOULD NOT BE DELIVERED
UNTIL PRELIMINARY DISCUSSIONS ARE HELD BOTH IN WASHINGTON
AND IN SINGAPORE, WHICH WILL GIVE THE GOS OPPORTUNITIES
TO TAKE THE ACTION REQUESTED. IF NEEDED, WE CAN THEN
ESCALATE THE DIALOGUE ACCORDINGLY. IN MEANTIME, DEPART-
MENT BELIEVES JOINT OR COORDINATED APPROACH BY OTHER
GOVERNMENTS TO GOS IN SINGAPORE WOULD ALSO BE USEFUL. KISSINGER

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